

OFFICIAL COPY

Fresno, California

April 27, 1999

The City Council met as the Redevelopment Agency in regular session at the hour of 8:44 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Member
	Garry Bredefeld	Member
	Chris Mathys	Member
	Henry Perea	Member
	Sal Quintero	Member
	Ken Steitz	Member
	Dan Ronquillo	Chair

Dan Fitzpatrick, Executive Director
Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

APPROVE AGENCY MINUTES OF APRIL 13 AND 20, 1999)

On motion of Member Perea, seconded by Member Mathys, duly carried, RESOLVED, the Agency minutes of April 13 and April 20, 1999, approved as submitted.

ADOPT AGENCY CONSENT CALENDAR:

(“A”) APPROVE MATTERS RELATING TO THE PREPARATION OF THE)
AIRPORT AREA REVITALIZATION REDEVELOPMENT PROJECT)
1. AGENCY RESOLUTION NO. 1515 - APPROVING REVISED PROJECT)
AREA BOUNDARIES FOR THE AIRPORT AREA REVITALIZATION REDE-)
VELOPMENT PROJECT AREA)
2. AGENCY RESOLUTION NO. 1516 - AUTHORIZING THE EXECUTIVE)
DIRECTOR TO SUBMIT THE REDEVELOPMENT PLAN FOR THE PROJECT)
AREA TO THE PLANNING COMMISSION FOR ITS REPORT AND RECOM-)
MENDATION)
3. AGENCY RESOLUTION NO. 1517 - AUTHORIZING AND DIRECTING)
THE EXECUTIVE DIRECTOR TO SUBMIT THE “RULES GOVERNING)
PARTICIPATION BY PROPERTY OWNERS AND THE EXTENSION OF)
REASONABLE PREFERENCES TO BUSINESS OCCUPANTS IN THE AIRPORT)
AREA REVITALIZATION REDEVELOPMENT PROJECT TO THE HOUSING)
AND COMMUNITY DEVELOPMENT COMMISSION, AND TO MAKE THE)
DRAFT RULES AVAILABLE FOR PUBLIC INSPECTION)

“B” was being pulled one week for additional review.

City Manager Reid noted as a policy, the Mayor supported eminent domain as a tool of last resort, read one section of the Owner Participation Rules relative to conforming owners stating the rule gave property owners no rights and explained, and requested the Agency develop a process before acting further to ensure that eminent domain is used as a tool of last resort. Member Steitz concurred with the City Manager stating the Agency was putting areas under the assumption that the Redevelopment Agency would control the land and not the property owner and explained, and stated he wanted to work with the Chair and Executive Director to change language specifying property owners would control the land. Director Fitzpatrick explained the rules which afforded protections to property owners. Chair Ronquillo briefly commented on AB 1290 and the issue of eminent domain, citing the P & R Liquor store and Kearney Palms shopping center situation, emphasizing property owners were accommodated with advantages.

Relative to the following Item “B”, Member Quintero requested the following concerns be addressed when the issue is brought back: (1) show legal evidence at this time for inclusion of ag lands in the southeast redevelopment study area; (2) when will title reports for the parcels in the plan area be pulled and reviewed in order to determine if there are any enforceable restrictions with regard to ag land?; and (3) his concern relative to formation of the PAC for the study area and whether or not Calwa area residents and property owners should be included in a PAC.

Assistant City Attorney Avila clarified redevelopment law relative to eminent domain, and noted action being requested this date was preliminary. Member Steitz made a motion to adopt the resolutions, stated there would be changes, respectfully disagreed with the City Attorney that not all land was subject to eminent domain, and reiterated private property rights would be taken away for other private purposes and added he would make that very clear in upcoming hearings. Chair Ronquillo clarified property is not “taken” emphasizing market value and all moving expenses are paid and reiterated the Agency would continue to try every time to accommodate property/business owners in an appropriate adjoining area to enable everyone to move forward in a productive way.

On motion of Member Steitz, seconded by Member Perea, duly carried, RESOLVED, the above entitled Agency Resolution Nos. 1515, 1516 and 1517 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

(“B”) APPROVE MATTERS RELATING TO THE PREPARATION OF THE)
SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT PROJECT)
1. AGENCY RESOLUTION NO. 1555 - APPROVING REVISED PROJECT)
AREA BOUNDARIES FOR THE SOUTHEAST FRESNO REVITALIZATION)
REDEVELOPMENT PROJECT AREA)
2. AGENCY RESOLUTION - AUTHORIZING THE EXECUTIVE DIRECTOR)
TO SUBMIT THE REDEVELOPMENT PLAN FOR THE PROJECT AREA TO)
THE PLANNING COMMISSION FOR ITS REPORT AND RECOMMENDATION)

3. AGENCY RESOLUTION - AUTHORIZING AND DIRECTING THE)
EXECUTIVE DIRECTOR TO SUBMIT THE “RULES GOVERNING)

PARTICIPATION BY PROPERTY OWNERS AND THE EXTENSION OF)
REASONABLE PREFERENCES TO BUSINESS OCCUPANTS IN THE)
SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT PROJECT)
TO THE HOUSING AND COMMUNITY DEVELOPMENT COMMISSION,)
AND TO MAKE THE DRAFT RULES AVAILABLE FOR PUBLIC INSPECTION)

Laid over one week.

(“C”) APPROVE MATTERS RELATING TO THE PREPARATION OF THE)
SOUTH FRESNO INDUSTRIAL REVITALIZATION REDEVELOPMENT)
PROJECT AREA)
1. AGENCY RESOLUTION NO. 1518 - APPROVING REVISED PROJECT)
AREA BOUNDARIES FOR THE SOUTH FRESNO INDUSTRIAL REVITALI-)
ZATION REDEVELOPMENT PROJECT AREA)
2. AGENCY RESOLUTION NO. 1519 - AUTHORIZING THE EXECUTIVE)
DIRECTOR TO SUBMIT THE REDEVELOPMENT PLAN FOR THE PROJECT)
AREA TO THE PLANNING COMMISSION FOR ITS REPORT AND RECOM-)
MENDATION)
3. AGENCY RESOLUTION NO. 1520 - AUTHORIZING AND DIRECTING)
THE EXECUTIVE DIRECTOR TO SUBMIT THE “RULES GOVERNING)
PARTICIPATION BY PROPERTY OWNERS AND THE EXTENSION OF)
REASONABLE PREFERENCES TO BUSINESS OCCUPANTS IN THE SOUTH)
FRESNO INDUSTRIAL REVITALIZATION REDEVELOPMENT PROJECT)
TO THE HOUSING AND COMMUNITY DEVELOPMENT COMMISSION,)
AND TO MAKE THE DRAFT RULES AVAILABLE FOR PUBLIC INSPECTION)

Chair Ronquillo stated the area was essentially an industrial park partially built out, in need of a lot of amenities and infrastructure to attract new businesses and to enable existing businesses to expand, and commented on complaints received relative to flooding and lack of infrastructure adding with City assistance the area could be actively promoted.

On motion of Chair Ronquillo, seconded by Member Ronquillo, duly carried, RESOLVED, the above entitled Agency Resolution Nos. 1518, 1519 and 1520 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

(“D”) **AGENCY RESOLUTION NO. 1521** - AUTHORIZING THE EXECUTIVE)
DIRECTOR TO ACCEPT AND CONSENT TO DEEDS OR GRANTS OF REAL)
PROPERTY INTERESTS CONVEYANCE TO THE REDEVELOPMENT AGENCY)

Director Fitzpatrick advised this was a housekeeping issue recommended by the City Attorney’s office.

On motion of Member Boyajian, seconded by Member Perea, duly carried, RESOLVED, the above entitled Agency Resolution No. 1521 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes : None
Absent : None

(“E”) AGENCY RESOLUTION NO. 1522 - ACCEPTING THE PRELIMINARY)
PLAN FOR THE CENTRAL CITY COMMERCIAL REVITALIZATION REDE-)
VELOPMENT PROJECT WITH REVISED PROJECT AREA BOUNDARIES,)
AND AUTHORIZING THE FILING OF THE PRELIMINARY PLAN, WITH)
REVISED BOUNDARIES, WITH THE STATE BOARD OF EQUALIZATION)
AND APPROPRIATE TAXING OFFICIALS)

Upon question of Member Steitz, Director Fitzpatrick stated other than boundaries, no other changes were being made.

On motion of Member Perea, seconded by Member Quintero, duly carried, RESOLVED, the above entitled Agency Resolution No. 1522 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes : None
Absent : None

(“F”) APPROVE THE INDEMNITY AGREEMENT WITH FINANCIAL TITLE)
COMPANY OF FRESNO COUNTY, AS AGENT FOR FIRST AMERICAN TITLE)
INSURANCE COMPANY RELATIVE TO THE KEARNEY PALMS SHOPPING)
CENTER DEVELOPMENT IN THE SOUTHWEST FRESNO GNRA REDEVELOP-)
MENT PROJECT AREA)

Redevelopment Administrator Murphey reviewed the staff report as submitted. Member Steitz briefly left the meeting at 9:09 a.m. Upon question of Chair Ronquillo, Ms. Murphey confirmed pads for the development were being created.

On motion of Chair Ronquillo, seconded by Member Perea, duly carried, RESOLVED, the Indemnity Agreement with Financial Title Company of Fresno County, as agent for First American Title Insurance Company hereby approved, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes : None
Absent : Steitz

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AGENCY GENERAL ADMINISTRATION:

(“G”) REPORT TO AND RECEIVE DIRECTION FROM THE AGENCY)

RELATIVE TO TERMINATING THE DISPOSITION AND DEVELOPMENT)
AGREEMENT WITH PROVIDENCE BAPTIST CHURCH, INC., AND PRE-)
PARING AN ALTERNATE PROPOSED DISPOSITION AND DEVELOPMENT)
AGREEMENT)

Redevelopment Administrator Murphey briefly reviewed the staff report as submitted, outlined elements of the proposed new agreement, and recommended termination of the D&DA and negotiation of a replacement D&DA to proceed with the project proposed by Providence Baptist Church. Member Steitz returned to the meeting at 9:12 a.m.

Mel Jameson, Providence Baptist Church, requested the Agency's support for their project stating they had the finances and means available to proceed

Chair Ronquillo requested staff look at alternative means, besides purchasing additional real estate, to accommodate the transaction, with Ms. Murphey and Director Fitzpatrick responding on the alternate Agency-owned site and possibly acquiring an alleyway at the existing site.

On motion of Chair Ronquillo, seconded by Member Steitz, duly carried, RESOLVED, staff directed to draft the document necessary to terminate the April 8, 1997, Disposition and Development Agreement (D&DA) with Providence Baptist Church, and to re-vest title to the subject property of that Agreement; the Executive Director, or his designee, authorized to offer to the owner(s) of the property, identified as APN 477-142-07, an Option to Purchase and to seek the acquisition of said parcel; and authorize the Executive Director, or his designee, to concurrently negotiate a draft D&DA with Providence Baptist Church based upon the terms and conditions outlined, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

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The Redevelopment Agency adjourned at 9:16 a.m. and the City Council convened in unofficial session at 9:17 a.m. to commence with the ceremonial items.

PROCLAMATION OF "NATIONAL CRIME VICTIMS' WEEK" - MAYOR)
PATTERSON)

PROCLAMATION OF "CLEAN AIR MONTH" - MAYOR PATTERSON)

PROCLAMATION OF "HIRE A VETERAN WEEK" - MAYOR PATTERSON)

PROCLAMATION OF "BILLY HIGGINS FRESNO STATE JAZZ FESTIVAL)
DAYS" - MAYOR PATTERSON (2 - 0))

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The above proclamations read and presented.

PRESENTATION OF CERTIFICATES OF RECOGNITION TO RECIPIENTS OF)

THE INDUSTRIAL PRETREATMENT AWARDS 1999: AMERIPRIDE/VALLEY)
UNIFORM, FOSTER FARMS POULTRY, PRODUCERS DAIRY, PRUDENTIAL)
OVERALL SUPPLY - COUNCILMEMBER RONQUILLO AND MAYOR)
PATTERSON)

Presented. Councilmember Quintero advised four businesses in southeast Fresno would also be acknowledged and would receive awards on Thursday, April 29th.

RESOLUTION OF COMMENDATION TO TOWER DISTRICT FISH COMPANY -)
COUNCILMEMBER BOYAJIAN)

Read and presented.

RECOGNITION OF POSTER CONTEST WINNERS FOR ALCOHOL)
PREVENTION MONTH)

Recognized.

RECOGNITION/PRESENTATION OF FAIRMONT PRIVATE SCHOOL AWARDS)
FOR GOOD CITIZENSHIP - ACTING PRESIDENT MATHYS)

Presented.

COMMENDATION TO LUCINDA BAUCHER, PRIMARY TEACHER OF THE)
YEAR RECIPIENT - ACTING PRESIDENT MATHYS)

Presented.

PROCLAMATION DECLARING MAY 4, 1999, AS “DAY OF PRAYER IN)
FRESNO” - MAYOR PATTERSON AND PRESIDENT STEITZ)

Read and presented.

PROCLAMATION OF “VENANCIO GAONA DAY” - COUNCILMEMBER)
QUINTERO)

Not presented.

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The Council officially convened in regular session at the hour of 9:50 a.m.

Pastor Roy, Second Chance Ministry, gave the invocation.

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Mayor Patterson led the Pledge of Allegiance to the Flag.

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APPROVE COUNCIL MINUTES OF APRIL 20, 1999)

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the minutes of April 20, 1999, approved as submitted.

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APPROVE AGENDA:

(3C) BILL - APPROVE ZACKY FARMS DEVELOPMENT AGREEMENT)
(FOR INTRODUCTION AND ADOPTION))

City Clerk Klisch advised the issue was being laid over to May 18, 1999, at 10:30 a.m. since it had been noticed as a public hearing.

(11:30 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO.)
R-99-002, FILED BY JAMES LOGAN ON BEHALF OF LAND DYNAMICS,)
PROPERTY LOCATED NORTHWEST OF W. BARSTOW AND FREEWAY 99)

City Clerk Klisch advised staff was requesting the issue be continued two weeks. Official action to continue the issue taken later in the meeting.

(5C) REPORT FROM TREE FRESNO CONCERNING AGREEMENT TO)
MAINTAIN THE MEDIAN ISLANDS IN SOUTHEAST FRESNO THAT ARE)
NOT BEING MAINTAINED - COUNCILMEMBER QUINTERO)

Removed from the agenda by Councilmember Quintero who stated the issue had been resolved.

(5E) REQUEST FOR REPORT RELATING TO ON-GOING CODE ENFORCE-)
MENT VIOLATIONS THAT HAVE BOT BEEN RESOLVED IN DISTRICT 5 -)
COUNCILMEMBER QUINTERO)

Laid over one week at the direction of Councilmember Quintero.

(10:20 A.M.) DISCUSS FISCAL AND ADMINISTRATIVE IMPACTS OF BILL)
AMENDING THE FMC RELATING TO ESTABLISHMENT OF RESIDENTIAL)
WATER RATES - ACTING PRESIDENT MATHYS)

Acting President Mathys directed the issue be continued one week to allow for a citizen's appearance. Official action to continue the matter taken later in the meeting.

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(9:45 A.M. "a") RESOLUTION - CONDEMNING MARILYN MANSON AS)
AN OFFENSIVE THREAT TO THE CHILDREN OF THE CITY OF FRESNO -)
COUNCILMEMBER PEREA)

President Steitz advised as Council President, he authorized the issue to be set at a time certain.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-5) APPROVE AMENDMENT TO THE AGREEMENT WITH BOYLE)
ENGINEERING CORPORATION TO DESIGN A TRAFFIC OPERATION)
CENTER (AN INTELLIGENT TRANSPORTATION SYSTEM TO LINK)
AND SYNCHRONIZE TRAFFIC SIGNALS IN THE FRESNO/CLOVIS)
METROPOLITAN AREA) AT THE MUNICIPAL SERVICE CENTER FOR)
A FEE OF \$92,538; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO)
EXECUTE THE AMENDMENT ON BEHALF OF THE CITY)

(1A-6) *RESOLUTION NO. 99-107 - 13TH AMENDMENT TO SALARY RES.)
NO. 98-161 AMENDING THE SALARY RANGE FOR THE CLASS OF CHIEF)
OF WASTEWATER TREATMENT OPERATIONS)

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

(1A-1) APPROVE APPOINTMENT OF DEBBIE REYES TO THE HUMAN)
RELATIONS COMMISSION - COUNCILMEMBER QUINTERO)

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the appointment of Debbie Reyes to the Human Relations Commission hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	None
Abstain	:	Steitz

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(9:30 A.M.) CONTINUED HEARING ON PLANNING COMMISSION'S ACTION)
APPROVING VARIANCE APPLICATION NO. V-99-05, PROPERTY LOCATED)
AT 320 N. FULTON, REQUESTING A SIX-FOOT HIGH FENCE WITHIN THE)

FRONT YARD SETBACK - COUNCILMEMBER RONQUILLO)
(CONTINUE TO 3:00 P.M.))

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above hearing continued to 3:00p.m. this date by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

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(9:35 A.M.) CONTINUED HEARING ON PLANNING COMMISSION ACTION)
APPROVING VARIANCE APPLICATION NO. V-99-06, PROPERTY LOCATED)
AT 310 N. FULTON, REQUESTING A SIX-FOOT HIGH FENCE WITHIN THE)
FRONT YARD SETBACK - COUNCILMEMBER RONQUILLO)

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above hearing continued to 3:05 p.m. this date by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

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(9:45 A.M.) APPEARANCE BY ANDREW BROSNAC REQUESTING COUNCIL)
TO STOP THE MARILYN MANSON CONCERT SCHEDULED FOR 5/4/99, AT)
SELLAND ARENA)
a. RESOLUTION NO. 99-108 - CONDEMNING MARILYN MANSON AS AN)
OFFENSIVE THREAT TO THE CHILDREN OF THE CITY OF FRESNO -)
COUNCILMEMBER PEREA (ADOPTED AS AMENDED))

Mr. Brosnac submitted petitions containing over 4,100 signatures requesting the concert be banned, which petitions were made part of the record and are on file in the office of the City Clerk; requested Council (1) cancel the concert regardless of cost, (2) enact a city-wide ordinance requiring the same restrictions to attend concerts as when purchasing the entertainer's music, and (3) include a code of conduct in the current contract used to book the Selland Arena adding if any entertainer refused to sign the agreement, minors should not be able to attend; and stated Marilyn Manson stood for disunity, violence, anti-establishment, anti-family and anti-government and urged Council to stand with citizens for social responsibility and make the right decision.

Upon question of President Steitz, City Attorney Montoy emphasized this was not a grey area; stated the issue had been reviewed very thoroughly and it was concluded the City could not legally ban the concert due to the First Amendment of the United States Constitution and due to the State Constitution which guaranteed and protected freedom of speech; clarified the Constitutional protections extended not only to performers but also to viewers;

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noted in looking into the possibility of drafting an ordinance limiting minors access to such concerts, research at this point revealed it probably would not be permissible for the City to enact such an ordinance; and clarified the issue of private commercial entities that voluntarily provide restrictions such as movie theaters and the recording industry

stating that would not apply to the Selland Arena as it was a public forum. President Steitz requested a written legal opinion on the issue as soon as possible. Ms. Montoy stated she would meet with Mr. Brosnac to see what it was he envisioned in a code of conduct, and responded to additional questions relative to the cancellation of the Salt Lake concert.

Acting President Mathys stated there had to be some type of rating system that could be placed on concerts stating Marilyn Manson was much worse than X- or R-rated movies. Upon question of Councilmember Ronquillo, Ms. Montoy stated the contract for the concert had been reviewed and there was no legal way to get out of it, and added the promoter could sue the City for breach of contract and First Amendment rights which could get into the millions of dollars. **(3 - 0)**

Councilmember Perea stated he recognized his responsibility and those of his fellow Councilmembers to support and defend the Constitution, and stated based on First Amendment rights he was presenting the resolution as a way for the community to speak on what was not acceptable in this city.

Speaking to the issue were: Pastor Jim Franklin, 2530 Divisadero, and Dr. Kathy Sullivan, 3443 W. Shaw; support for the resolution; Paul Hirth, American Civil Liberties Union (ACLU), 2100 Tulare, Ste. 412, who reminded Council of their duty to protect the Constitution stating censorship of any kind was a violation; Stephen Ehat, 1691 E. Cole, support for the resolution, who also submitted written materials, copies of which are on file in the office of the City Clerk; Philip Teresi, opposed to the resolution; Phillip Chagoya, 3385 E. Garland, support for Marilyn Manson (MM); Dorothy Bruce, 1820 N. Vagedes, support for MM; Andrew Eash, 978 N. Harrison, opposed to the resolution; Lee Ann Eager, Executive Director, Rape Counseling, support for the resolution; Lynn Majors, 4415 N. Sequoia, support for the resolution; Leslie Cardoza, 187 N. Echo, opposed to the resolution; Sarah May Cutts, 1330 N. Lafayette, opposed to the resolution; Kevin Traeger, 567 W. San Jose, opposed to the resolution; Sharon St. John, 9453 N. Sierra Vista, support the resolution **(4 - 0)**; David Janeway, 633 W. Terrace, opposed to the resolution; Jeff Marten, 4695 N. 11th St, support for the resolution; Kristine Tamayo, 2497 W. San Jose, opposed to the resolution; Karen Stephen, 5064 N. Angus #105, opposed to the resolution; Lillian Grace Rivera, 2507 S. 11th, support for the resolution; Rudy Marez, 2530 Divisadero, support for the resolution; Jon Artz, 38068 Ruth Hill, Squaw Valley, support for the resolution; Manuel Medellin, 3702 N. Pleasant #102, opposed to the resolution; Jody Gunter, 2190 N. Schnoor #140, Madera, opposed to the resolution; and Kent Meyer, 5310 N. Gates #104, support for the resolution.

Continued speakers were: Ken Gentry, 46681 Chuck Wagon Rd.; Timothy Alves, 5171 E. Grant; Mikel Atkinson, 120 W. Pertals #B; and Andrew Brosnac, 5885 E. Rancho Dr., all in support of the resolution; Jeff Strandberg, 5953 E. Pontiac, opposed to the resolution; Julie Guajardo, 727 W. Floradora, support for the resolution; Stacey Milliken, 3255 Miramonte, support for the resolution; Dennis Cook, 4483 E. Garland, opposed to the resolution; and Fred Volkov, 104 W. Olive; Barbara Marco, 1352 N. Pleasant; Josephine Parsons, 4488 N. Cornelia; Nida Guzon-Palmore **(5 - 0)**, and Deborah Perea, 2127 Mitchell, all in support of the resolution.

RECESS - 11:53 A.M. - 12:02 P.M.

Ernie Perez, 2127 Mitchell, spoke in support of the resolution.

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(10:00 A.M., 10:20 A.M. AND 10:30 A.M. ITEMS)

President Steitz advised the above issues would be considered around 3:30 p.m.

Serenity Holden, 2063 Arden Dr. W., spoke in opposition to the resolution.

Continued speakers in support of the resolution were: Jasmine Cottrell, 10782 Renn, age 13 ; Rev. Fred Ogle II, 1050 Minnewawa #141; Russell Letsinger, 2909 E. Huntington #107; Rosemary Gonzales, 3960 N. Fruit #211; Corrinna Gallardo, 3252 W. Ashlan; Candice Mlotkowski, 4848 N. Delbert; Patricia Flores, 4091 N. Marks #166; Wesley Gerlow, 5432 E. Belmont; Diane Salinas, 1207 N. Esther Way; Scott Guenther, 1360 Minarets, Clovis, who also spoke to the issue of “hate”; Glen Barnhart, 1315 Cindy, Clovis; Dr. Linda Fraley, 5450 E. Columbia; Lucie Alvarez, 1719 Athens; and Joshua Bonilla, 3253 E. Alta.

Continuing to speak in support or opposition to the resolution were: Stephen Barker, 1535 W. Sussex, opposed **(6 - 0)**; Shirley King, 3853 E. Platt, support; Jeff Black, opposed; Carmen Murray, 3054 E. Dayton #E, support; Walt Zuniga, 5018 E. El Monte Way #107, opposed; Alma Margosian, 3619 N. Orchard, support; Allyson Jeffrey, 5085 N. Del Mar #D, support; Ingrid Gerosa, 30388 Watts Valley Rd., support; Rachel Carter, 6680 N. Laureen, opposed; Gabriel Bou, opposed; Mario Bonilla, 3253 E. Alta, support; Jessica Franklin, 13 years old, 6601 N. Winery, opposed; Keith Walker, 777 N. Miami, support; Ralph Senn, support; Savun Sean, 2748 N. Weber Apt. 224, opposed; Linda Orosco, 910 N. Van Ness, opposed; Debbi Milliken, 3235 Miramonte, support; Mario Gamez, 4021 E. Mono #D, support; Todd Souza, 4294 N. Hughes, opposed; James Ayers, 1476 N. Glenn, opposed; Christine Coleman, 2600 Fresno St., support; Beverly Garcia, 1261 S. Temperance, support **(7 - 0)**; Barbara Banuelos, 4577 E. Yale, support; and Irene Ingram, 4863 E. McKinley #145, support.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the issue.

Councilmember Perea stated as reprehensible as Marilyn Manson was, Council had to defend the First Amendment rights; stated the issue was about setting standards for our community and the resolution would be a resolution of the people of Fresno; advised he had talked to the promoter about doing the right thing; and made a motion to adopt the resolution, which was seconded and acted upon after discussion.

Acting President Mathys stated enough was enough and everyone needed to stand tall and say no to Marilyn Manson; emphasized the filth Marilyn Manson portrayed and the way he communicated was a right he did not have in this community; stated his support for the resolution; directed staff to schedule on the agenda in one week direction to the City Attorney to draft an ordinance similar to the ratings set by the movie industry to require parental involvement as allowable by law with regards to entertainment; and advised he would hold a “family night” on May 4th at City Hall at the same time as the concert as a way to stand tall against Marilyn Manson.

President Steitz advised he had heard the concert had been canceled and he was trying to confirm that.

Councilmember Bredefeld stated he had a hard time seeing this as a First Amendment issue; emphasized a Marilyn Manson concert was ok for adults but he drew the line at children attending stating parents needed to be

firm and protect them; referenced comments made by Mr. Hirth of the ACLU stating he hoped “censorship” did not mean “anything goes”; advised of his experience as a Psychologist with kids who are lost and drawn to people like Marilyn Manson; and stated his support for the resolution.

Councilmember Boyajian stated this was a First Amendment issue; emphasized Marilyn Manson was not the reason for hatred, violence, racism, etc. in our society; and stressed a lot of kids felt alienated and that was the problem that needed to be dealt with.

Relative to Acting President Mathys' direction to staff, Ms. Montoy advised the City Manager had already requested a ratings ordinance for entertainment and she would bring it back to Council when it was ready.

Councilmember Quintero directed a letter be sent to the Principal of Columbine High School offering the City's condolences to the victims and their families; commented on the quality of life in this community; read a verse from the Bible and asked that everyday be a season of prayer; and urged the community to pray on May 4th whether Marilyn Manson comes to Fresno or not.

Councilmember Ronquillo commented on his personal family experience with a concert; acknowledged anyone who advocated hatred or violence was a problem but felt Marilyn Manson was being made a scapegoat and explained; stated Council was taking the easy way out of an extremely complicated issue emphasizing families needed to start unplugging their TV's and start plugging into and communicate with each other and offered an amendment to the motion to expand and condemn Marilyn Manson and any other negative entertainer that encourages violence and hatred towards humanity.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Resolution hereby amended adding the underlined portion as follows: "...the Council of the City of Fresno condemns Marilyn Manson and its lead singer, and any other entertainer that espouses hatred and violence...", by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

President Steitz urged everyone to participate next Tuesday at noon for the Day of Prayer in the City of Fresno regardless of the concert outcome adding he saw nothing more productive than everyone coming together in this community.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-108 hereby adopted, as amended, by (1) adding the underlined wording: "...the Council of the City of Fresno condemns Marilyn Manson, and its lead singer, and any other entertainer that espouses hatred and violence...", and (2) directing staff to send a letter to the Principal of Columbine High School offering condolences to the victims and families, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

- - - -

133-241

4/27/99

RECESS - 2:10 P.M. - 3:12 P.M. Councilmember Ronquillo arrived later.

(10:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-98-26, REZONING)

APPLICATION NO. R-98-42, AND ENVIRONMENTAL FINDINGS, FILED BY)
 RICK RANSOM AND THE CITY OF FRESNO, PROPERTY LOCATED AT THE)
 SOUTHWEST CORNER OF FRESNO AND "O" STREETS (WATER TOWER))
1. BILL NO. B-31 - ORDINANCE NO. 99-28 - AMENDING THE FRESNO)
CIVIC CENTER MASTER DEVELOPMENT PLAN THE FULTON-LOWELL)
SPECIFIC PLAN, AND THE CENTRAL AREA COMMUNITY PLAN CHANGING)
THE DEVELOPMENT AREA BOUNDARY AND ZONING PLAN (MAP NO. 1))
FROM THE "P" PARKING LAND USE DISTRICT TO "C-C" CIVIC CENTER)
LAND USE DISTRICT, AND CHANGING THE AREA DEVELOPMENT PLAN)
(MAP NO. 2) FROM THE EXISTING USE TO CULTURAL USES)
2. BILL NO. B-32 - ORDINANCE NO. 99-29 - AMENDING THE OFFICIAL)
ZONE MAP TO REZONE FROM "P" (OFF-STREET PARKING DISTRICT))
TO "C-C" (CIVIC CENTER DISTRICT))

President Steitz announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the mitigated negative declaration for Plan Amendment No. A-98-26 and Rezoning Application No. R-98-42 hereby approved; the above entitled Bill No. B-31 approving Plan Amendment Application No. R-98-26 adopted as Ordinance No. 99-28; and the above entitled Bill No. B-32 approving Rezoning Application No. R-98-42 adopted as Ordinance No. 99-29, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

- - - -

(10:20 A.M.) DISCUSS FISCAL AND ADMINISTRATIVE IMPACTS OF BILL)
AMENDING THE FRESNO MUNICIPAL CODE RELATING TO ESTABLISH-)
MENT OF RESIDENTIAL WATER RATES - ACTING PRESIDENT MATHYS)
1. *BILL - AMENDING THE FMC RELATING TO MODIFYING THE CRITERIA)
TO ESTABLISH RESIDENTIAL WATER RATES)

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled matter laid over one week to May 4, 1999, at 10:20 a.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

- - - -

(10:30 A.M.) CONSIDER CHARTER AMENDMENT WHICH WOULD QUALIFY)
A MARCH 2000, BALLOT MEASURE ALLOWING VOLUNTARY WATER)

METERING FOR SINGLE-FAMILY RESIDENCES - PRESIDENT STEITZ)

President Steitz briefly reviewed the issue, distributed the proposed ordinance to Council that would be mailed to all interested water agencies and parties, and advised comments would be required back in 30 days whereupon a public hearing would be held on May 25th to respond to any comments received.

Councilmember Bredefeld questioned if all residences could receive the questions and answers contained in the staff report stating he found them to be very helpful, and discussion ensued on noticing the issue, costs for special mailings, including the statement with utility bills, and timelines, with President Steitz and Water Systems Manager McIntyre responding to questions. **(8 - 0)** President Steitz clarified this would be similar to an EIR process and noted the comment period was now being initiated. No action was required and there was no further discussion.

- - - -

(11:00 A.M.) HEARING ON REZONING APPLICATION NO. R-99-012, FILED)
BY J. RISE RICHTER, PROPERTY LOCATED AT 7150 N. MILBURN AVENUE)
(REQUEST TO CONTINUE TO MAY 4, 1999, AT 11:00 A.M.))

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the hearing on Rezoning Application No. R-99-012 filed by J. Rise Richter, continued to May 4, 1999, at 11:00 a.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

- - - -

(11:30 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO.)
R-99-002, FILED BY JAMES LOGAN ON BEHALF OF LAND DYNAMICS,)
PROPERTY LOCATED NORTHWEST OF W. BARSTOW AND FREEWAY 99)

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the hearing on Rezoning Application No. R-99-002, filed by James Logan, continued to May 11, 1999, at 11:30 a.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

- - - -

(1A-2) AWARD A CONTRACT FOR CONVENTION CENTER BOX OFFICE)
COMPUTERIZED INTEGRATED TICKETING OFFICE SYSTEM)

Convention Center Director Valdez responded to questions of Councilmember Perea relative to the process used.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, Convention Center staff authorized to negotiate and enter into an agreement with TicketMaster at no cost to the City for equipment, maintenance, training, installation or supplies and for net revenue considerations of an estimated \$50,000 to provide a computerized integrated ticketing office system for the Convention Center Box Office, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes : None
Absent : Ronquillo

- - - -

(1A-4) APPROVE ADMINISTRATION AGREEMENT WITH MBIA MUNI-)
FINANCIAL TO PROVIDE REQUIRED SERVICES IN CONNECTION WITH)
CITY BONDS AND ASSESSMENT DISTRICTS)

Councilmember Perea advised his question had been answered and made a motion to approve the agreement.

On motion of Councilmember Perea, seconded by President Steitz, duly carried, RESOLVED, the administration agreement with MBIA MuniFinancial to provide required services in connection with City bonds and assessment districts hereby approved, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes : None
Absent : Ronquillo

- - - -

(1A-7) APPROVE AGREEMENT WITH THE FRESNO CITY EMPLOYEES)
ASSOCIATION (FCEA) NON-SUPERVISORY WHITE COLLAR UNIT 3)
RELATIVE TO NIGHT SHIFT PREMIUM PAY)

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the agreement with FCEA regarding night shift premium pay hereby approved, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes : None
Absent : Ronquillo

- - - -

(1A-3) APPROVE AN AGREEMENT WITH NATIONAL RAILROAD)

PASSENGER CORPORATION (AMTRAK) FOR FUNDING THE)
CONSTRUCTION OF A HOUSE TRACK IN CONJUNCTION WITH THE)
CONSTRUCTION OF THE NW INTER-CITY RAIL STATION)
(DISCUSSED AGAIN LATER IN THE MEETING))

A motion and second to approve the agreement was made. In Councilmember Ronquillo's absence, District 3 Council Assistant Cox presented questions to staff relative to how long the project had been in the works, when funding and the design was approved, and who approved the design, with City Manager Reid responding. Ms. Cox advised Councilmember Ronquillo did not concur with the current design.

City Design Engineer Kassabian responded to questions of Councilmember Quintero relative to the design and Council approval stating staff would not have gone through with the concept had Council not approved it. Councilmember Quintero requested staff re-submit the design to Council for refresher purposes.

Councilmember Boyajian requested the issue be delayed for Councilmember Ronquillo's attendance whereupon the following action was taken:

On motion of Councilmember Boyajian, seconded by Councilmember Perea, duly carried, RESOLVED, the issue hereby tabled to later in the meeting, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes : None
Absent : Ronquillo

- - - -

(3:00 P.M.) CONTINUED HEARING ON PLANNING COMMISSION'S ACTION)
APPROVING VARIANCE APPLICATION NO. V-99-05, PROPERTY LOCATED)
AT 320 N. FULTON, REQUESTING A SIX-FOOT HIGH FENCE WITHIN THE)
FRONT YARD SETBACK - COUNCILMEMBER RONQUILLO)
1. RESOLUTION NO. 99-109 - APPROVING THE REQUEST FOR AN OVER-)
HEIGHT FENCE WITHIN THE FRONT YARD SETBACK)

(3:05 P.M.) CONTINUED HEARING ON PLANNING COMMISSION ACTION)
APPROVING VARIANCE APPLICATION NO. V-99-06, PROPERTY LOCATED)
AT 310 N. FULTON, REQUESTING A SIX-FOOT HIGH FENCE WITHIN THE)
FRONT YARD SETBACK - COUNCILMEMBER RONQUILLO)
1. RESOLUTION NO. 99-110 - APPROVING THE REQUEST FOR AN OVER-)
HEIGHT FENCE WITHIN THE FRONT YARD SETBACK)

President Steitz announced the time had arrived to consider the issues and opened the hearings.

Supervising Planner Beach reviewed the staff reports as submitted; advised there had been a number of situations wherein higher fences had been allowed and explained; stated although the proposed fences were attractive they were a deviation from City standards; advised the Planning Commission was recommending approval

code enforcement process and was recommending Council give direction to staff and explained; and concluding stating staff felt the variances with special conditions could be met and recommended approval. Councilmember Ronquillo arrived at 3:45 p.m.

Speaking in support of or opposition to the fences were: Becky Foore-Haden, 248 N. Van Ness, Vice Chair, Fulton-Lowell Specific Plan Implementation Committee and Design Review Committee, opposed; Rosalyn Clark, 3860 E. Rialto, property owner in the area and Fulton-Lowell Member, opposed, who also submitted photos of a conforming fence at the new downtown Butterfields; Richard Stone, 181 N. Yosemite, founding member of the Lowell-Jefferson Consortium, support; Avigdar Adams, 181 N. Yosemite, Fulton-Lowell Design Review Committee, support; Dallas Debatin, Lowell Chair, 109 N. Glenn, opposed; Fred Bologna, 320 N. Fulton, support; and Jose Ruano, Caltrans, support **(9 - 0)**.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Mr. Beach and Mr. Ruano responded to questions of Councilmember Boyajian relative to cost of the fences, alternatives, and other 6-foot fences in the area. Councilmember Ronquillo clarified the review committee had simply implemented the Code which allowed for fences no higher than 3-feet, offered a compromise for a 4-foot fence and made a motion, which was seconded by Acting President Mathys.

Mr. Beach, Planner Dilbeck and an unidentified speaker responded to questions of Councilmember Quintero relative to homes on the subject block with 6-foot fences, standard size fence for the time period of the home, and existing poles in the ground. Councilmembers Quintero and Boyajian commented on the issue of uniformity, support for infill projects and the investment of the property owners, and made a substitute motion to approve staff's recommendation. Upon question of Acting President Mathys, an unidentified owner of one of the homes stated he would not support a 4-foot fence.

A substitute motion of Councilmember Boyajian, seconded by Councilmember Quintero, to approve staff's recommendation became the main motion, by the following vote:

Ayes	:	Bredefeld, Boyajian, Perea, Quintero, Steitz
Noes	:	Mathys, Ronquillo
Absent	:	None

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the categorical exemptions for Environmental Assessment Nos. V-99-005 and V-99-006 hereby approved; the Planning Commission action upheld; the appeals hereby denied; and the above entitled Resolution Nos. 99-109 and 99-110 approving Variance Application Nos. V-99-05 and V-99-06 adopted, subject to development in accordance with Exhibits A and B dated January 14, 1999, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Steitz
Noes	:	Mathys, Ronquillo
Absent	:	None

- - - -

(1A-3) APPROVE AN AGREEMENT WITH NATIONAL RAILROAD)
PASSENGER CORPORATION (AMTRAK) FOR FUNDING THE)
CONSTRUCTION OF A HOUSE TRACK IN CONJUNCTION WITH THE)
CONSTRUCTION OF THE NW INTER-CITY RAIL STATION)

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, above issue brought back to the table for consideration, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

Councilmember Ronquillo stated he supported the station but opposed the design 100%, and presented questions to staff relative to how long the project had been in the works and when funding was allocated, with City Design Engineer Kassabian responding. Councilmember Ronquillo stated unfortunately the design was set up to match City Hall and he felt it would not be compatible with the older architecture of nearby buildings and hoped other amenities would be built around it that would make it more compatible.

On motion of Acting President Mathys, seconded by President Steitz, duly carried, RESOLVED, the agreement with the National Railroad Passenger Corporation (AMTRAK) hereby approved; and the City Manager authorized to sign the agreement on behalf of the City, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

- - - -

(3:10 P.M.) REQUEST FOR EXPRESSIONS OF INTEREST RELATING)
TO AB 939 IMPLEMENTATION STRATEGY)

Public Utilities Director Rhinehart noted the City was facing its deadline at the start of next year for determining how to comply with the State's mandate for waste diversion known as AB 939.

Assistant Director Anderson reviewed the history of the issue including what had been looked at to this point and the different programs that have been tried for waste diversion and to encourage recycling and waste reduction, and explained the proposed timeline in which to operate this summer and fall to reach a decision on what the best program would be for Fresno for implementation next year, all outlined in the staff report as submitted.

Discussion ensued with Councilmembers commenting on the issue and giving their input on various issues. Mr. Anderson responded to questions and concerns relative to co-composting, gathering or collection stations for landscapers/gardeners and mandating companies to utilize those stations, and making recycling available to areas that do not have the service. Acting President Mathys directed staff to include in the RFQ provisions to (1) provide collection stations for gated communities where landscaping is included as part of the association dues; and (2) making recycling available to areas that don't have it, such as mobilehome parks city-wide.

(10 - 0) Discussion continued on transfer stations, making pre-disposed decisions prior to issuing the RFP, the Green Waste Pilot Program in southeast Fresno, other cities who have met the 50% diversion, modeling Fresno after the cities that have met the requirement, the RFP and cost, and potential increase to rate payers, with Mr. Anderson responding to questions.

Cruz Ramos, USA Waste, requested clarification on who would be compiling and evaluating proposals since the City was also planning to respond, and also on the cost estimates and detailed information that would be requested, with City Manager Reid and Ms. Anderson responding staff would be looking only for expressions of interest and recommended strategies at this time and not vendors, and explained the two-step process.

With no action being required and Council receiving the report and consenting to the RFEI process and time line, there was no further discussion.

- - - -

Councilmember Ronquillo briefly left the meeting at 5:25 p.m. Brief discussion ensued on continuing with the agenda prior to going into closed session, with City Attorney Montoy emphasizing Council needed to convene in closed session this date and advised outside Counsel had been waiting since 2:00 p.m.

A motion of Councilmember Perea, seconded by Acting President Mathys, to complete the agenda prior to going into closed session failed, by the following vote:

Ayes	:	Boyajian, Mathys, Perea
Noes	:	Bredefeld, Quintero, Steitz
Absent	:	Ronquillo

- - - -

Councilmember Ronquillo returned to the meeting and advised he would leaving shortly to catch a flight on City business to attend an EDA Conference in Long Beach.

(2:00 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE)
SECTION 54956.6 - CITY NEGOTIATORS: JEFFREY M. REID, JORGE)
AGUINIGA, ANDREW T. SOUZA - EMPLOYEE ORGANIZATIONS: LOCAL)
39, FCEA, IBEW, FPOA, IAFF, ATU, FAPOFA, CFPEA, FPOA/MGT, IAFF/MGT)

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:)
1. CIVIC CENTER SQUARE, INC. V. COF; SUP. CT. #612624-7)
2. COF V. CIVIC CENTER SQUARE, INC., ET AL; SUP. CT. #612629-6)
3. COF V. GORDON WEBSTER, ET AL; SUP CT. #61230-4)
4. COF V. CIVIC CENTER SQUARE, INC.; SUP. CT. #612631-2)

The City Council met in closed session in Room 2125 at the hour of 5:28 p.m. to consider the above issues and reconvened in regular session at 5:51 p.m.

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(3A) CORRECTED BILL PER COUNCIL DIRECTIVE RELATED TO)
REZONING APPLICATION NO. R-99-003, FILED BY SPENCER ENTER-)
PRISES, PROPERTY LOCATED ON THE SOUTH SIDE OF E. ASHLAN)
BETWEEN N. CEDAR AND N. BARTON AVENUES)
1. BILL NO. B-33 - ORDINANCE NO. 99-30 - AMENDING THE OFFICIAL)
ZONE MAP TO REZONE FROM C-P TO M-1/CZ)
(REPLACES BILL NO. B-30/ORDINANCE NO. 99-27 ADOPTED 4/20/99))

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-33 adopted as Ordinance No. 99-30, by the following vote:

Ayes : Boyajian, Mathys, Perea, Quintero, Steitz
Noes : Bredefeld
Absent : Ronquillo

- - - -

(3B) CONSIDER ORDINANCES RELATING TO LOCAL PREFERENCE FOR)
FORMAL BIDS FOR PURCHASE OF MATERIALS, SUPPLIES AND EQUIPMENT)
1. BILL - AMEND THE FRESNO MUNICIPAL CODE RELATING TO LOCAL)
PREFERENCE IN ADVERTISED COMPETITIVE BIDDING - (**ALTERNATE 1 -**)
STAFF RECOMMENDATION - INCREASES CURRENT LIMIT OF \$50,000 TO)
\$200,000))
2. BILL - (ALTERNATE 2 - ELIMINATES LIMIT ALTOGETHER))

Councilmember Perea stated he wanted the definition of “local” addressed in the ordinance and requested the issue be laid over one week for staff to further review and include that provision. A motion and second to continue the matter was acted upon after brief discussion. Councilmember Bredefeld left the meeting at 5:55 p.m.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the subject issue laid over two weeks, by the following vote:

Ayes : Boyajian, Mathys, Perea, Quintero, Steitz
Noes : None
Absent : Bredefeld, Ronquillo

- - - -

(5A) REQUEST CITY MANAGER OR HIS DESIGNEE TO PREPARE A)
PROPOSAL TO IMPLEMENT THE MILLS ACT - COUNCILMEMBER)
QUINTERO)

Request made by Councilmember Quintero for a proposal and timeline.

- - - -

(5B) RESOLUTION - SUPPORTING AB 938 RELATING TO DEVELOPING A)
DOWNTOWN ECONOMIC REVITALIZATION ACTION PROGRAM - COUNCIL-)
MEMBER RONQUILLO)

Laid over one week for Councilmember Ronquillo's presence.

- - - -

(5D) REQUEST FOR COUNCIL SUPPORT TO CONVENE A SCHOOL SAFETY)
SUMMIT CONSISTING OF LOCAL EDUCATION LEADERS, LAW ENFORCE-)
MENT AND CITY, COUNTY, STATE AND FEDERAL ELECTED LEADERSHIP)
TO DISCUSS CURRENT SCHOOL SAFETY MEASURES AND IDENTIFY NEW)
STRATEGIES TO INCREASE SCHOOL SAFETY - COUNCILMEMBER PEREA)

Briefly reviewed by Councilmember Perea who advised he had been appointed by the State Attorney General to the School Safety Task Force and requested Council's support. Brief discussion ensued on support for the issue.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, Council hereby extends it support to convent a School Safety Summit as outlined above, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Bredefeld, Ronquillo

- - - -

(5F) REQUEST THE CITY MANAGER TO DIRECT STAFF TO PROVIDE A)
LIST OF ALL CITY-OWNED VACANT LAND OR AVAILABLE CITY)
BUILDINGS WITHIN DOWNTOWN FRESNO FOR POSSIBLE LOCATION)
OF CITY OF FRESNO PEACE OFFICER'S MUSEUM - COUNCILMEMBER)
RONQUILLO

Laid over one week for Councilmember Ronquillo's presence.

- - - -

ADJOURNMENT

)

There being no further business to bring before the Council, the hour of 6:03 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this _____ day of _____ 1999.

ATTEST: _____

Ken Steitz, Council President

Yolanda Salazar, Assistant City Clerk

